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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 MARK STOYAS, NEW ENGLAND
14 TEAMSTERS & TRUCKING
15 INDUSTRY PENSION FUND, and
16 AUTOMOTIVE INDUSTRIES
17 PENSION TRUST FUND, individually
18 and on behalf of all others similarly
19 situated,

20 Plaintiffs,

21 v.

22 TOSHIBA CORPORATION, a
23 Japanese Corporation,

24 Defendant.

Case No.: 2:15-cv-04194-DDP-JC

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION FOR LEAVE TO
PARTICIPATE AS *AMICUS
CURIAE***

Date: June 7, 2021

Time: 10:00 a.m.

Courtroom: 9C

Judge: Hon. Dean D. Pregerson

I. INTRODUCTION

The Ministry of Economy, Trade and Industry of Japan (“METI”) is a ministry of the government of Japan. Its mission includes developing Japan’s economy and industry by focusing on promoting economic vitality in private companies and smoothly advancing external economic relationships. METI respectfully moves for leave to participate as an *amicus curiae* in connection with Plaintiffs’ Motion for Class Certification in this action.

II. ARGUMENT

A “district court has broad discretion to appoint *amici curiae*.” *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), abrogated on other grounds by *Sandin v. Conner*, 515 U.S. 472 (1995). The “classic role” of *amici curiae* is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co., Inc. v. Comm’r of Labor and Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

“District courts frequently welcome *amicus* briefs from nonparties concerning legal issues that have potential ramifications beyond the parties directly involved or if the *amicus* has ‘unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” *Safari Club Intern. v. Harris*, 2015 WL 1255491 at *1 (E.D. Cal. Jan. 14, 2015) (citing *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005)). Courts often rely on *amicus* briefs from foreign governmental entities in deciding issues that touch on matters of international comity. *See e.g.*, *Cooper v. Tokyo Elec. Power Co.*, 860 F.3d 1193, 1206 (9th Cir. 2017) (citing *amicus* brief of the Government of Japan in assessing issue of international comity); *Gerling Glob. Reinsurance Corp. of Am. v. Quackenbush*, 2000 WL 777978, at *1 (E.D. Cal. June 9, 2000) (citing *amicus* brief of Federal Republic of Germany in assessing state law’s effect in foreign countries). “The touchstone is whether the *amicus* is ‘helpful,’ and there is no requirement ‘that amici must be totally

disinterested.”” *Cal. v. U.S. Dept. of Labor*, 2014 WL 12691095 at *1 (E.D. Cal. Jan. 14, 2014) (citing *Hoptowit*, 682 F.2d at 1260).

METI brings unique information and perspective to the issues implicated in this putative class action and should be granted leave to submit a brief concerning these issues. Specifically, METI’s submission will offer perspective and information concerning the potential legal and economic repercussions of class certification on Japanese capital markets, issuers, industries, and the country’s economy, as well the implications the Court’s ruling may have on Japanese securities laws and international comity. Because this case—and, in particular, Plaintiffs’ pending Motion for Class Certification—implicates important public and international interests with ramifications beyond the parties directly involved, METI should be granted leave to submit a brief on these issues.

III. CONCLUSION

For the foregoing reasons, METI respectfully requests that the Court grant leave for it to participate as *amicus curiae* and to submit a brief in opposition to Plaintiffs’ Motion for Class Certification.

Dated: April 29, 2021

SADAT LAW GROUP

By: /s/ Arash Sadat

Arash Sadat

Attorneys for Movant
Ministry of Economy, Trade and
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